

FILED

FEB - 5 2007

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO AGUILAR and
GUSTAVO AGUILAR,

Defendants.

CR 07-30 SBA

STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STATUS
CONFERENCE

Date: February 13, 2007
Time: 9:00 a.m.

THE PARTIES HEREBY STIPULATE AND AGREE that the status
conference now set for the date and time indicated above may be
continued to March 20, 2007, at 9:00 a.m.

It is also stipulated that the period from February 13,
2007, to March 20, 2007, shall be excluded from the calculation
of time in which the trial of the above captioned matter must
commence pursuant to the Speedy Trial Act, 18 U.S.C. section
3161(c). The parties stipulate that the time is excludable from
the time limitations of the Speedy Trial Act because the
interests of justice are served by granting a continuance.

1 Such continuance is required because of conflicts in
2 counsels' schedule, and the desire of all parties to be present
3 at the status conference. On February 13, 2007, both Ms.
4 Zalkin, who will represent Fernando Aguilar, and Ms. Green-
5 berger, who will represent Gustavo Aguilar, are scheduled to
6 begin jury trial at 9:00 a.m. in San Mateo County in the matter
7 of People v. Alvarez, No. NF351120. Also on February 13, Ms.
8 Greenberger is scheduled to begin jury selection that afternoon
9 before Judge Breyer in United States v. Rosenthal, CR 02-53 CRB.

10 On February 20, 2007, Ms. Greenberger is scheduled to
11 appear in San Francisco Superior Court in People v. Munoz, No.
12 2221495, for a hearing on multiple motions at 9:00 a.m. Ms.
13 Zalkin has court in Marin County, People v. Hansard, CR151400A,
14 at 9:00 a.m. on February 20, 2007, as well.

15 Assistant United States Attorney Kim Briggs will be out of
16 the state from February 11-14, 2007, and again February 27-March
17 14, 2007.

18 In addition, at this time defense counsel are currently
19 appearing specially on behalf of the defendants, and anticipate
20 being fully retained by March 1, 2007. Because defense counsel
21 has not been fully retained, we have not yet been provided
22 discovery from the government. As such, we need the time to
23 request and review the discovery and believe that we will be
24 prepared to proceed on March 20, 2007.

1 Hence, this continuance will permit continuity of counsel,
2 and allow the reasonable time necessary for effective
3 preparation, taking into account the exercise of due diligence.
4 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

5 Dated: January 31, 2007
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7

8 /s/ KIMBERLY BRIGGS
KIMBERLY BRIGGS
9 Assistant U.S. Attorney


/s/ SHARI L. GREENBERGER
SHARI L. GREENBERGER
Attorney for GUSTAVO AGUILAR

10
11 /s/ SARA ZALKIN
SARA ZALKIN
Attorney for FERNANDO AGUILAR
12

13 IT IS SO ORDERED.

14 Dated:

15 2-5-07

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SAUNDRA BROWN ARMSTRONG, Judge
United States District Court
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